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Via Email & Federal Express

Hon. Shira A. Scheindlin
United States District Judge
U.S. District Court, Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *City of New York v. Amerada Hess, et al.*, 04 CV 3417 (SDNY)
In re MTBE Products Liability Litigation, MDL 1358

Dear Judge Scheindlin:

The City of New York ("the City") writes to inform the Court that a conference call on the matter of Defendants' Contention Discovery may no longer be needed. Based on Mr. Langan's March 12, 2009 letter ("Defendants' Letter"), the City understands that Defendants have withdrawn their previous demands that the City supplement its responses to all 11 sets of Contention Discovery, which contain approximately 1,260 discovery requests covering diverse topics including causation, punitive damages and product distribution and which ask for such information with respect to every well at issue. *See* Exhibits C4 & C6 to my March 10 letter.

Defendants are now apparently requesting that the City provide "a chart of the 10 trial wells that identifies the theory of causation CNY intends to pursue for each well, and which identifies the temporal facts for any alleged injury, and the defendants claimed to be responsible on either a traditional theory or theory of alternative liability." *See* Defendants' Letter at p. 6. If the City's understanding is correct and Defendants are willing to accept the above-described chart as resolution of their previous demands for supplemental responses, the City will provide such a chart by no later than April 13, 2009. If Defendants desire an earlier date, the City invites them to meet and confer.

The City asks Defendants to confirm that its understanding of Defendants' Letter is correct and that Defendants will indeed accept the above-described chart as resolution of their previous demands for supplemental responses. On a final note, the City regrets that the parties could not resolve this issue without inconveniencing the Court.

Respectfully submitted,

Nicholas G. Campins

Cc: All Counsel via LNFS & Email